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March 23, 2021

VIA ECF

Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Hopeton Francis v. City of New York, et al.
18-CV-6468 (GBD) (RWL)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants City of New York ("City"), Police Officer Evelyn Oropeza-Zuniga, and Sergeant Luis Rodriguez in the above-referenced matter.¹ In that capacity, I write to respectfully request that the Court adjourn the deadline for the parties to meet and confer and submit a revised proposed schedule for the remainder of this case until a date after plaintiff updates the Court with his most recent contact information. Due to the fact that plaintiff's whereabouts are currently unknown, defendants were unable to obtain plaintiff's consent. This is defendants' second request for an extension of this matter.

By way of background, the Court granted defendants' December 29, 2020 request for permission to submit an amended proposed case management plan after service upon the named individual defendants. Docket Entry No. 65.

On March 20, 2019, plaintiff filed an amended complaint naming as defendants two (2) members of the NYPD: Officer Oropeza-Zuniga and Sergeant Rodriguez, and summonses were issued on or about December 30, 2020. Docket Entry Nos. 23 and 66.

¹ This case has been assigned to Assistant Corporation Counsel Jeffrey F. Frank, who is admitted to the Connecticut State Bar and is in the process of applying for admission to the New York State Bar and the Bar of this Court. Mr. Frank is handling this matter under my supervision and may be reached directly at (929) 930-0780 or jeffrank@law.nyc.gov.

On December 30, 2020, the Court ordered that, within thirty days following service on both named officers, the parties were to meet and confer and submit a revised proposed schedule for the remainder of the case. Docket Entry No. 65. Per the docket, Sergeant Rodriguez was served on January 15, 2021, and Officer Oropeza-Zuniga was served on February 25, 2021. Docket Entry Nos. 72 and 75. Accordingly, the parties must meet and confer and submit a revised proposed schedule by March 27, 2021.

On March 22, 2021, after attempting to schedule a meeting with plaintiff through Vernon C. Bain Center (where plaintiff had recently been incarcerated), this Office was informed that plaintiff was released from the Department of Corrections' custody on March 21, 2021. As of the time of this writing, plaintiff has yet to provide the Court with updated contact information. Plaintiff last supplied a personal address to the Court on February 20, 2020. See Docket Entry No. 41. Hence, defendants have been unable to contact plaintiff to meet and confer.

Accordingly, defendants respectfully request that the Court adjourn the deadline for the parties to meet and confer and submit a revised proposed schedule for the remainder of this case until a date after plaintiff updates the Court with his most recent contact information. This Office will mail a copy of this letter to the address that plaintiff supplied on February 20, 2020.

Thank you for your consideration of this matter.

Respectfully submitted,



Christopher D. DeLuca

Senior Counsel
Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**
Hopeton Francis
Plaintiff, *Pro Se*
187-11 Liberty Avenue
Queens, NY 11412

Defendants' request is denied in part and granted in part. The deadline to meet and confer and submit a proposed revised schedule and case management plan is extended until April 12, 2021. If Plaintiff has not filed an updated address by April 5, 2012, Defendants may unilaterally file a proposed revised schedule and case management plan.

The Clerk's Office is requested to mail a copy of this Order to the pro se Plaintiff at the following address:

Hopeton Francis
187-11 Liberty Avenue
Queens, NY 11412

SO ORDERED:

3/24/2021

A handwritten signature in black ink, appearing to be 'R. Lehrburger', written over a horizontal line.

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE